

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

---

ALTICOR, INC., and	)	
	)	
AMWAY CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:21-cv-00308
	)	
YIELD NATION, LLC,	)	
	)	
Defendant.	)	<b>JURY TRIAL REQUESTED</b>

---

**Plaintiffs' Motion for Preliminary Injunction**

---

Plaintiffs Alticor, Inc. and Amway Corporation ("Plaintiffs"), under Federal Rule of Civil Procedure 65, hereby request the Court to enter an Order against Defendant Yield Nation, LLC ("Yield Nation") barring Yield Nation from continuing to pass off to consumers its agricultural products as Plaintiffs' Nutriplant® brand of products.

Plaintiffs submit in support of this motion the following materials, which are filed concurrently herewith:

- Plaintiff's Memorandum in Support of their Motion for Preliminary Injunction;
- Articles of Incorporation of Yield Nation, LLC (Ex. 5);
- Declaration of John Seurnyck and exhibits thereto (Ex. 1);
- Declaration of Clint Feezel (Ex. 6);
- Declaration of Jay Greenwood and exhibits thereto (Ex. 7);
- Declaration of John Klockenga and exhibits thereto (Ex. 4);
- Declaration of Matt LaFont and exhibits thereto (Ex. 8);

- Declaration of Josh Lemke and exhibits thereto (Ex. 9);
- Declaration of Greg Maubach and exhibits thereto (Ex. 2);
- Declaration of John Rapp and exhibits thereto (Ex. 10);
- Declaration of Kent Roser (Ex. 11);
- Declaration of Bill Schewe and exhibits thereto (Ex. 3);
- Declaration of Bryan Waier and exhibits thereto (Ex. 12); and
- Declaration of Clyde Zimmerman and exhibit thereto (Ex. 13).

For the reasons set forth in these materials, Plaintiffs respectfully ask that the Court enter an Order for a preliminary injunction against Yield Nation, and its officers, agents, servants, employees, attorneys and all entities and individuals in active concert or participation with them who received actual notice of such injunction by personal service or otherwise:

- i. Precluding Yield Nation and its officers, agents, servants, employees, attorneys and all entities and individuals in active concert or participation with them, from claiming, stating, or representing that Yield Nation sells Nutriplant®, that Nutriplant® is owned or in any way associated with Yield Nation, that Yield Nation's products originate with Nutriplant®; or otherwise representing any connection between Yield Nation and its products, on the one hand, and Nutriplant® or Plaintiffs, on the other hand;
- ii. Precluding Yield Nation and its officers, agents, servants, employees, attorneys and all entities and individuals in active concert or participation with them, from using the Nutriplant® marks in its sales materials, including brochures and Sales Receipts; and

- iii. Precluding Yield Nation and its officers, agents, servants, employees, attorneys and all entities and individuals in active concert or participation with them, from further infringement of Plaintiff's federal trademark rights.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion for Preliminary Injunction and enter an Order against Defendant Yield Nation as set forth above and for such other and further relief as this Court deems just and proper.

Dated: March 11, 2021

Respectfully Submitted,

**DOWD BENNETT LLP**

By: /s/ Matthew K. Crane

Matthew K. Crane #65854  
7733 Forsyth Blvd., Suite 1900  
St. Louis, Missouri 63105  
(314) 889-7300 (telephone)  
(314) 863-2111 (facsimile)  
mcrane@dowdbennett.com

and

**WARNER NORCROSS & JUDD, LLP**

Edward. J. Bardelli (*pro hac vice pending*)  
Paul Beach (*pro hac vice pending*)  
1500 Warner Building  
150 Ottawa Ave N.W.  
Grand Rapids, MI 49503  
(616) 485-9917 (telephone)  
ebardelli@wnj.com  
pbeach@wnj.com

*Attorneys for Plaintiffs*

**Certificate of Service**

The undersigned certifies that on March 11, 2021 a true and correct copy of the foregoing was electronically filed using the Court's electronic filing system. By operation of that system a notice of electronic filing will be served upon all counsel of record in the case.

/s/ Matthew K. Crane